

REMARKS

Claims 8-12 and 14-18, and amended claims 1-7, and 13 are in this application.

Claims 1-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over US PreGrant Publication 2001/0034846.

Amended independent claim 1 recites in part the following:

"at least two electronic devices, each of the at least two electronic devices being identified by device identification information registered in association with user identification information identifying a single user such that each of the at least two electronic devices have the same user associated therewith;

...third requesting means for requesting that the server transfer the selected software from the respective electronic device to another of the at least two electronic devices which has the same user associated therewith as that of the respective electronic device; and" (Emphasis added)

It is respectfully submitted that the above identified features of claim 1 are not disclosed in the reference(s) as applied by the Examiner for at least the following reasons.

First, in explaining the above 103 rejection with regard to claim 1 and as best understood, the Examiner appears to rely on paragraph 46 on page 5 of Beery to disclose the above feature "at least two electronic devices, each of the at least two electronic devices...". Although such portion of Beery appears to describe authenticating a user and machine, such authentication appears to merely determine if the same user and the same computer have been used before. In the system of claim

1, on the other hand, at least two electronic devices are recited.

Second, in further explaining the above 103 rejection with regard to claim 1, and as best understood, the Examiner appears to either assert that element 250 of Berry is the same as the above-identified "third requesting means..." of claim 1 or appears to acknowledge that Beery does not disclose the above-identified "third requesting means..." of claim 1. In the latter situation, to overcome such deficiency of Beery, the Examiner appears to rely on agreements called "end user license agreements". As best understood, the Examiner appears to state that such agreements relate to the "transfer of licenses between users." (See line 1 and also lines 7-9 of page 4 of the present Office Action.) (Emphasis added.) Accordingly, such agreements appear to be between different users. On the other hand, in the above-identified third requesting means the selected software may be transferred "from the respective electronic device to another of the at least two electronic devices which has the same user associated therewith as that of the respective electronic device". (Emphasis added.) With regard to element 250 of Berry, such element appears to merely indicate that software is sent to the user's computer 200. However, such 250 element does not appear to disclose transferring "the selected software from the respective electronic device to another of the at least two electronic devices which has the same user associated therewith as that of the respective electronic device" as in claim 1.

Accordingly, it is respectfully submitted that the above 103 rejection of claim 1 be withdrawn.

For reasons similar to or somewhat similar to those previously described with regard to claim 1, it is also respectfully submitted that the above 103 rejection of amended independent claims 2-7 and 13 be withdrawn.

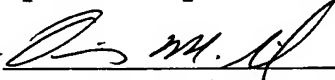
Claims 8-12 and 14-18 are dependent from one of independent claims 7 and 13. Accordingly, it is also respectfully submitted that the above 103 rejections of dependent claims 8-12 and 14-18 be withdrawn for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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